

Attorney Docket No. 1147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Albertsen et al.		Art Unit: 1638
Serial No.: 10/058,566		
Filed: January 28, 2002		Examiner: A. Kubelik
For: NUCLEOTIDE SEQUENCES MEDIATING MALE FERTILITY AND METHOD OF USING SAME		

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir,

In response to the Restriction Requirement dated September 29, 2003, the Applicant elects Group III, and Sequence ID NO: 5 with traverse.

The Applicant traverses the separation of claims to the promoter, Group III, claims 2-3, 5-6, 8-9, 11, 13 and 23-26 from the claims to the gene, Group I, claims 1, 4, 7, 10, 12, 14-22, 27-33. The claims of Group III are the BS92-7 promoter, expression vectors, plants and plant cells containing the promoter and method of using it to impact fertility. The claims of Group I are to the gene, plants and plant cells transformed with the nucleic acid and method of using to impact fertility. An independent search of the sequences is not necessary; one search of the BS92-7 gene will suffice to include the promoter and its essential regions.

Further, the Applicant traverses the separation of the claims to the gene, in Group I, from claim 34 to the deposited seed containing the gene, Group IV. No independent

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document is being deposited with the United States Postal Service on the date shown below with by facsimile transmission to TC1600 ATTN: A. Kubelik; number (703)872-9306, the Assistant Commissioner for Patents, U.S. Patent & Trademark Office, Washington, D.C..

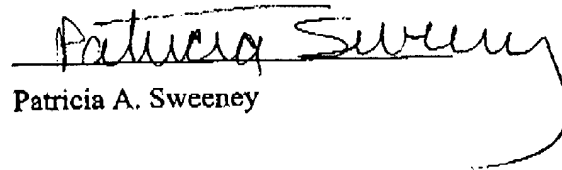
October 8, 2003
Date

Patricia A. Sweeney
Patricia A. Sweeney

search is necessary and both groups of claims are directed to the same subject matter.
Applicant requests rejoinder of these claims.

For the foregoing reasons reconsideration of the Restriction Requirement is requested.

Respectfully submitted,


Patricia A. Sweeney

Patricia A. Sweeney
1835 Pleasant St.
West Des Moines, IA 50265
(515)222-0921
(515)267-0556 (fax)

RECEIVED
CENTRAL FAX CENTER
OCT 09 2003

Pat Sweeney
1835 Pleasant St., West Des Moines, IA 50265
Phone: (515)222-0921 Fax: (515)267-0556

Fax

To: TC1600 ATTN: A. Kuelik **From:** Pat Sweeney
Fax: (703)872-9306 **Pages:** 2 + cover
Phone: (703)308-5059 **Date:** October 8, 2003
Re: 10/058,566 **CC:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:** The contents of this facsimile is or may be attorney privileged and/or confidential and is intended only for the use of the recipient identified above. If the reader of this message is not the identified recipient, or the employee or agent responsible for delivering it to the identified recipient, you are hereby notified that any dissemination or use of this communication is unlawful and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender. Anyone so cooperating will be reimbursed for reasonable expenses incurred.

RECEIVED
CENTRAL FAX CENTER

OCT 9 2003